

in part:(999 nerve tonic) "The ingredients from which these capsules are compounded have been used and prescribed for years for run-down systems and nervous disorders;" (Prescription 999) "Recommended for kidney and bladder disorders. This medicine is a combination of oil sandalwood, oil cubeb, copaiba, and other valuable Vegetable Oils which are known to give the best results in treating the disease for which this medicine is intended. * * * after all signs of the disease have disappeared."

Analyses of samples of the articles by this department showed that the 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of nux vomica and damiana; and that the Prescription 999 consisted essentially of the volatile oils of nutmeg, santal, and cubeb, copaiba, and a fatty oil.

It was alleged in substance in the libel that the articles were misbranded in that the above-quoted statements, borne on the labels, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On August 1, 1928, no claimant having appeared for the property, a decree was entered ordering that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15909. Misbranding of Dr. Musser's original capsules and Dr. Musser's red capsules. U. S. v. 9 Boxes of Dr. Musser's Original Capsules, et al. Default decree of confiscation and destruction entered. (F. & D. No. 22241. S. No. 279.)

On December 3, 1927, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 boxes of Dr. Musser's original capsules, and 11 boxes of Dr. Musser's red capsules at Clarksburg, W. Va., alleging that the articles had been shipped by the Musser-Reese Chemical Co., from Latrobe, Pa., on or about November 3, 1927, and had been transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Musser's original capsules contained volatile oils, including santal and nutmeg oils, and copaiba balsam; and that Dr. Musser's red capsules contained compounds of arsenic, iron, calcium, and strychnine, and an extract from a laxative plant drug.

It was alleged in the libel that the articles were misbranded in that the statements upon the container of the said Dr. Musser's original capsules, to wit, "Dr. Musser's Capsules contain no harmful or dangerous drugs, will not injure the most delicate stomach," and the statements on the containers and in the circular inclosed with the said Dr. Musser's red capsules, to wit, (container) "Contains no harmful ingredients," (circular) "Contains no harmful ingredients and will not injure the most delicate stomach," were false and misleading.

Misbranding was alleged in substance for the further reason that the following statements borne on the containers of the articles, and in the accompanying circulars, to wit, (Dr. Musser's original capsules, container) "Inflammation of kidneys and bladder relieved. If directions are followed will effect a permanent relief in every case," (Dr. Musser's original capsules, circular) "Be persistent with treatment for at least two weeks following improvement. It is advisable to continue taking Dr. Musser's treatment for that length of time to insure permanent relief. * * * Dr. Musser's Capsules are possibly the best known remedy and are as prompt in their effect as possible for safety, yet we do not claim that one or two boxes are always sufficient. A great mistake often made is to stop the treatment too soon. This leaves the organs tender and possibly some condition, which further treatment would remove and prevent, returns which is more often quite necessary to continue the treatment for two or three weeks after all trouble seems to be removed. We can not impress too strongly the good effect of combining the use of Dr. Musser's Injection Rx 500 with the capsules. This is thoroughly an antiseptic and healing agent which expedites the cure and creates an antiseptic condition much desired. Do not use without capsules. If only one is used be sure to use capsules, but the combined treatment is time, money, and inconvenience saved," (Dr. Musser's red capsules container) "Scientific remedy for all blood disorders," (Dr. Musser's red capsules, circular) "A modern and scientific remedy which thoroughly searches out

all impurities in the blood. * * * Eradicates all blood impurities from the system no matter from what cause. Eczema, Salt Rheum, Pimples, and Unsightly Skin Eruptions of all kinds quickly disappear. Improves general health by toning up the system, creating a natural appetite and helping the stomach and intestines to care for the food so that the best nourishment results. Help the * * * kidneys to remove waste matter," were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. It was further alleged in the libel that the said Dr. Musser's original capsules contained, in a circular with which they were inclosed, a false and fraudulent statement regarding the said Dr. Musser's red capsules, which said false and fraudulent statements were intended to be read in connection with the said Dr. Musser's red capsules, which statements were as follows: "Dr. Musser's Red Capsules. This item is the last addition to Dr. Musser's famous remedies. Impure blood not only adds to the danger of Venereal Infection, but plays an important part in retarding the cure, and if a prompt and satisfactory cure can not be had it is certain that the cause is impure blood. In any case during the course of the disease, or after, Red Capsules help the cure and put the system in condition to prevent return. We do not claim them as a cure for constitutional conditions, but do claim that they will relieve or at least keep the system in good condition. In ordinary cases of chancres, if burned with caustic, Red Capsules will do much toward preventing infection. Red capsules are an elegant tonic, giving vim and energy, clearing the skin and developing a natural appetite. All these tonic qualities do much to restore lost manhood."

On April 16, 1928, no claimant having appeared for the property, judgment was entered finding the products subject to confiscation and ordering that they be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15910. Misbranding of Dr. Musser's injection Rx 500, Dr. Musser's red capsules, and Dr. Musser's original capsules. U. S. v. 12 Bottles of Dr. Musser's Injection Rx 500, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22240. S. No. 165.)

On December 8, 1927, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 bottles of Dr. Musser's injection Rx 500, 11 boxes of Dr. Musser's red capsules, and 26 boxes of Dr. Musser's original capsules, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the articles had been shipped by the Musser-Reese Chemical Co., from Latrobe, Pa., in part on or about May 14, 1927, and in part on or about July 27, 1927, and had been transported from the State of Pennsylvania into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Musser's injection Rx 500 consisted essentially of a solution of boric acid and zinc sulphate in water, colored with a yellow dye; that Dr. Musser's original capsules contained volatile oils, including santal and nutmeg oils, and copaiba balsam; and that Dr. Musser's red capsules contained compounds of arsenic, iron, calcium, and strychnine, and an extract from a laxative plant drug.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Dr. Musser's injection Rx 500, carton) "An Antiseptic Wash for all Forms of Membrane Inflammation. Guaranteed not to do harm, yet so effective that improvement is seen after a few injections or applications * * * Dr. Musser's Injection Rx is a modern and scientific remedy for all stages of Membrane Inflammations. It positively will not do harm, and when used as directed will stop suffering and pus formations in one or two days. It is a companion of Dr. Musser's Capsules and the combined treatment is a boon to the suffering manhood;" (Dr. Musser's red capsules, carton) "Scientific remedy for all blood disorders;" (circular) "A modern and scientific remedy which thoroughly searches out all impurities in the blood * * *. Eradicates all blood impurities from the system no matter from what cause. Eczema, Salt Rheum, Pimples, and Unsightly Skin Eruptions of all kinds quickly disappear. Improves general health by toning up the system, creating a natural appetite, and helping the stomach and intestines to care for the food so that best nourishment results;" (Dr. Musser's